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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|------------------------|---------------------|------------------|
| 10/659,123  | 09/10/2003  | Timothy Gerhard Barker | 49335.2300          | 3544             |
| 7590  | 11/09/2007  |                        | EXAMINER            |                  |
| SNELL & WILMER L.L.P.<br>One Arizona Center<br>400 East Van Buren<br>Phoenix, AZ 85004-2202 |             |                        | ELISCA, PIERRE E    |                  |
|   |             | ART UNIT               | PAPER NUMBER        |                  |
|   |             | 3621                   |                     |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                              |                  |
|------------------------------|------------------------------|------------------|
| <b>Office Action Summary</b> | Application No.              | Applicant(s)     |
|                              | 10/659,123                   | BARKER ET AL.    |
|                              | Examiner<br>Pierre E. Elisca | Art Unit<br>3621 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 27 July 2007.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-3, 5-9, 11-14 and 16 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-3, 5-9, 11-14 and 16 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

1. This communication is in response to Applicant's response filed on 07/27/2007.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-3, 5-9, 11-14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawlor et al (U.S. PG Pub No. 2002/0038289 A1) in view of Sanders et al (U.S. PG PB No. 2003/0158811).

As Per claim 1, Lawlor et al teach a method for a client to authorize an automated clearing house (ACH) transaction comprising prompting the client to enter authentication credentials to access an online interface to a financial provider network, allowing the client to access the online web interface when the authentication credentials are verified wherein the online interface enables the client to define ACH transaction parameters including whether the ACH transaction is at least one of one-time, recurring, and scheduled; storing the ACH transaction parameters in a database; and executing an authorized ACH transaction based on the set up and authorization information ACH transaction parameters, wherein the authorized ACH transaction debits a first account and credits a second account (see *abstract, figs 1, 1a, 2, 14a-14d, pps 0078, 0081, 0088, 0089, 0195, 0203, 0211-0214, 0317-0323, 0338, 0343*).

Lawlor et al fail to teach a web interface. However, Sanders teach a ACH system with web interface (see *fig 1 and fig 9 and pps 0336, 0345*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lawlor et al's system to include Sanders et al's ACH system with web interface because this would have provided a more flexible system.

As Per claim 2, Lawlor et al teach a method further comprising modifying the ACH transaction parameters to create modified ACH transaction parameters set up accepting the modified ACH transaction parameters in a database providing notice of an executed ACH transaction (see *abstract, figs 1, 1a, 2, 14a-14d, pps 0078, 0081, 0088, 0089, 0195, 0203, 0211-0214, 0317-0323, 0338, 0343*).

As Per claim 3, Lawlor et al teach method of claim 2, further comprising providing access to the ACH transaction parameters and ACH transactions history (see *abstract, figs 1, 1a, 2, 14a-14d, pps 0078, 0081, 0088, 0089, 0195, 0203, 0211-0214, 0317-0323, 0338, 0343*).

As Per claim 5, Lawlor et al teach a method wherein the ACH transaction is an ACH-in transaction that electronically transfers client funds from a client account at a third party financial institution to a client account at the a financial service provider (see *abstract, figs 1, 1a, 2, 14a-14d, pps 0078, 0081, 0088, 0089, 0195, 0203, 0211-0214, 0317-0323, 0338, 0343*).

As Per claim 6, Lawlor et al teach a method wherein the ACH transaction parameters comprises a routing number for a client third party financial institution, a client account number at the client third party financial institution and financial service provider; and an amount of funds to be transferred between at-least-one a client account in the client third party financial institution and a client account at the financial service provider (see *abstract, figs 1, 1a, 2, 14a-14d, pps 0078, 0081, 0088, 0089, 0195, 0203, 0211-0214, 0317-0323, 0338, 0343*).

As Per claim 7, Lawlor et al teach a method a method for authorizing an automated clearing house (ACH) transaction, the method comprising prompting a client to enter authentication credentials to access an online interface to a financial provider network; allowing the client to access the online ~ interface when the authentication credentials are verified on a financial provider wherein the online interface enables the client to define ACH transaction parameters including whether the ACH transaction is at least one of one-time, recurring, and scheduled; allowing automatically executing an authorized ACH transaction based on the ACH transaction parameters (see *abstract, figs 1, 1a, 2, 14a-14d, pps 0078, 0081, 0088, 0089, 0195, 0203, 0211-0214, 0317-0323, 0338, 0343*). Lawlor et al fail to teach a web interface. However, Sanders teach a ACH system with web interface (see *fig 1 and fig 9 and pps 0336, 0345*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was

made to modify Lawlor et al's system to include Sanders et al's ACH system with web interface because this would have provided a more flexible system.

As Per claim 8, Lawlor et al teach a method further comprising the steps of notifying the client of the executed ACH transaction enabling modification of the ACH transaction parameters authorization and storing acknowledging the modified ACH transaction parameters (see *abstract, figs 1, 1a, 2, 14a-14d, pps 0078, 0081, 0088, 0089, 0195, 0203, 0211-0214, 0317-0323, 0338, 0343*).

As Per claim 9, Lawlor et al teach a method wherein the access to the online interface is via a computer having a web browser application (see *abstract, figs 1, 1a, 2, 14a-14d, pps 0078, 0081, 0088, 0089, 0195, 0203, 0211-0214, 0317-0323, 0338, 0343*).

As Per claim 11, Lawlor et al teach a method wherein the ACH transaction is an ACH-in transaction (see *abstract, figs 1, 1a, 2, 14a-14d, pps 0078, 0081, 0088, 0089, 0195, 0203, 0211-0214, 0317-0323, 0338, 0343*).

As Per claim 12, Lawlor et al teach a method wherein the inputted ACH transaction parameters include information selected from the group comprising a routing number ~ for a third party financial institution; an account number at a third party financial institution; and, an amount of funds to be transferred (see *abstract, figs 1, 1a, 2, 14a-14d, pps 0078, 0081, 0088, 0089, 0195, 0203, 0211-0214, 0317-0323, 0338, 0343*..

As Per claim 13, Lawlor et al teach a method a client to individually set-up and authorize an automated clearing house (ACH) in transaction, the method comprising providing an online ~ interface on a financial services provider network to enable the client to define ACH-in transaction parameters including whether the ACH-in transaction is at least one of one-time, recurring, and scheduled; allowing a the client to securely access the online ~ interface via a client computer having a web browser application; storing and acknowledging the ACH-in transaction parameters; automatically executing an authorized ACH-in transaction based on the ACH-in transaction parameters to electronically transfer client funds from a client account at a third party financial institution to a client account at the financial services provider; notifying the client of the completed ACH-in transaction; and enabling the client to modify the authorization information ACH-in transaction parameters (see *abstract, figs 1, 1a, 2, 14a-14d, pps 0078, 0081, 0088, 0089, 0195, 0203, 0211-0214, 0317-0323, 0338, 0343*). Lawlor et al fail to teach a web interface. However, Sanders teach a ACH system with web interface (see *fig 1 and fig 9 and pps 0336, 0345*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lawlor et al's system to include Sanders et al's ACH system with web interface because this would have provided a more flexible system.

As Per claim 14, Lawlor et al teach a method of storing and acknowledging the ACH-in transaction parameters (see *abstract, figs 1, 1a, 2, 14a-14d, pps 0078, 0081, 0088, 0089, 0195, 0203, 0211-0214, 0317-0323, 0338, 0343*).

As Per claim 16, Lawlor et al teach a method wherein the ACH-in transaction parameters comprises a routing number for a client third party financial institution, a client account number at the client third party financial institution and financial service provider; and, an amount of funds to be transferred between a client account in the client third party financial institution and a client account at the financial service provider (see *abstract, figs 1, 1a, 2, 14a-14d, pps 0078, 0081, 0088, 0089, 0195, 0203, 0211-0214, 0317-0323, 0338, 0343*).

## **RESPONSE TO ARGUMENTS**

4. Applicant's arguments with respect to claims 1-3, 5-9, 11-14 and 16 have been fully considered but they are not persuasive.

## **REMARKS**

5. In response to Applicant's arguments filed on 07/27/2007, Applicant argues that: "The cited reference Lawlor teaches away from the use of a personal computer to access an online web interface, so Applicant asserts that it would be improper to combine Lawlor with a web interface system". However, the Examiner respectfully disagrees with Applicant's characterization of the prior art. Lawlor discloses a

method/system for providing a dedicated, in home, ATM terminal that is user friendly.

The ATM enables users to pay bills without writing and mailing checks, obtaining account balances, and conducting funds transfer between accounts. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lawlor et al's system to include Sanders et al's ACH system with web interface because this would have provided a more flexible system where users can perform transactions from one bank to another using web interface.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 571 272 6706. The examiner can normally be reached on 6:30 to 5:00. Patents and hoteling.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571 272 6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

September 19, 2007



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